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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,072	06/01/2000	Gavriel Vexler	736.321US01	5741

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EXAMINER

MAYO III, WILLIAM H

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,072

Applicant(s)

VEXLER ET AL. *CH*

Examiner

William H. Mayo III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-11 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-11 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Drawing</u> |

Allowable Subject Matter

1. Applicant is advised that the Notice of Allowance mailed April 22, 2003, is vacated in view of the reference(s) to Brorein (Pat Num 5,767,441). If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.
2. A Final rejection based on the cited reference(s) follows.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Brorein et al (Pat Num 5,767,441). Brorein discloses an electrical cable (Fig 3d) for transmitting digital and analog data signals (Col. 1, lines 6-10). Specifically, with respect to claim 1, Brorein teaches twisted pair (Figs 2D) comprising a plurality of twisted pairs (30 & 40 of both pairs) wherein each of the pairs (30 & 40 to both pairs) comprises two conductor assemblies (60 & 70), wherein the first assembly (80) as shown in Figure 3d (see 1st, 3rd, and 14th –17th conductor pairs, Col 11 & 12, lines 67-68 & 1-13), comprises a first

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conductor (82) which is closer (i.e. has a shorter distance S) to a second conductor (84) of a second assembly (90) than to an outer surface (denoted by inserted numerals 100 & 200, respectively) opposite the conductors (82 & 84), at least one layer of insulator (not numbered) surrounding the first conductor (82), an inner edge of the first assembly (80) is defined by a surface (inner surface of insulation between 80 & 90) of the first assembly (80) closest to a second conductor assembly (90) in the same pair (Fig 3D), and an outer edge of the first assembly (80) defined by a surface (at 100) of the first assembly (80) farthest from the second conductor assembly (90) in the same pair (Fig 3D).

Allowable Subject Matter

5. Claims 1, 5-11, and 13-17 are allowed.
6. The following is an examiner's statement of reasons for allowance: This invention deals with a twisted pair cable wherein the conductor of the first assembly is closer to a conductor of the second assembly than an outer surface opposite the conductors, wherein the outer edge of the first assembly is farther from the first conductor than the inner edge of the first assembly over the length of the pair (claims 1 & 3). This invention also deals with a twisted pair cable comprising an method of making a twisted pair cable comprising an extrudable polymer having a modulus of elasticity greater than 64 KPSI at room temperature and an extrudable elastomer having a modulus of elasticity lower than 35 KPSI at room temperature (claim 16). This invention also deals with a twisted pair cable comprising two plurality of pairs, wherein each pair comprises two

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assemblies, wherein a second assembly comprises an inner edge of the second assembly defined by a surface of the second assembly closest to a first assembly in the same pair and an outer edge of the of the second assembly defined by a surface of the second assembly farthest from the first assembly in the same pair, wherein the outer edge of the second assembly being farther from the second conductor than the inner edge of the second assembly over the length of the pair (claim 17). The above stated claim limitations, in combination with other claim limitations, are not taught or suggested by the prior art of record. Claims 5-11 and 13-15 are depended upon allowed claim 1, and therefore are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Applicant's amendment submitted April 8, 2003, necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (703) 306-9061. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



WHM III
August 26, 2003